

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JAMES MARTIN SIMANK,	)	
	)	
Petitioner,	)	
-vs-	)	Case No. CIV-10-1278-F
	)	
JUSTIN JONES, Director,	)	
	)	
Respondent.	)	

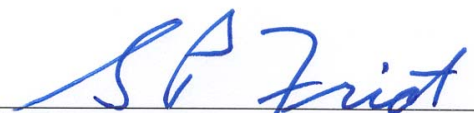
**ORDER**

On June 16, 2011, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation, wherein he recommended that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied.

Presently before the court is the timely objection of petitioner to the Supplemental Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Purcell. The court finds petitioner's objection to be without merit. The court therefore accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 16, 2011 (doc. no. 18) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**.

DATED July 21, 2011.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE